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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 JOSE MANUEL AGUIERRE-GANCEDA,
8
9 Petitioner,
10 v.
11 HERIBERTO H. TELLEZ, Acting
12 Warden,
Respondent.

No. 4:17-CV-05094-EFS

ORDER DISMISSING CIVL CASE

CLERK'S OFFICE ACTION REQUIRED

13 On July 3, 2017, Jose Manuel Aguierre-Ganceda's Petition for
14 Writ of Habeas Corpus, which was filed in the Central District of
15 California, was transferred to this District. As stated in the
16 Court's prior text order, ECF No. 7, Mr. Aguierre-Ganceda already had
17 a § 2255 motion pending before this Court that, in addition to
18 requesting the same relief, asserted the exact same facts and
19 arguments as in the California habeas petition; only the titles and
20 the introductions differed. Compare ECF No. 244 in 03-CR-6016, with
21 ECF No. 4 in 17-CV-5094. Therefore, Mr. Aguierre-Ganceda's civil
22 habeas petition is dismissed as a duplicative filing and case number
23 4:17-CV-05094-EFS shall be closed.

1 To ensure a complete record, the Court will direct the Clerk's
2 Office to file Mr. Aguierre-Ganceda's civil habeas petition as a
3 Notice of Duplicative Filing in the associated criminal case.¹

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. The Clerk's Office is directed to file Mr. Aguierre-
6 Ganceda's Petition for Writ of Habeas Corpus, **ECF No. 1 in**
7 **4:17-CV-05094-EFS**, as a Notice of Duplicative Filing in his
8 criminal case, **2:03-CR-06016-EFS-1**, nunc pro tunc, as of
9 **July 3, 2017.**

10 2. **Case No. 4:17-CV-05094-EFS is DISMISSED.**

11 3. All pending motions in **4:17-CV-05094-EFS** are **DENIED AS**
12 **MOOT.**

13 4. All hearings and other deadlines in **4:17-CV-05094-EFS** are
14 **STRICKEN.**

15 5. The Clerk's Office is directed to **CLOSE** Case No. **4:17-CV-**
16 **05094-EFS.**

17 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
18 Order and provide copies to Mr. Aguierre-Ganceda and all counsel.

19 **DATED** this 23rd day of August 2017.

20 _____
21 s/Edward F. Shea
22 EDWARD F. SHEA
23 Senior United States District Judge

24 ¹ Mr. Aguierre-Ganceda's latest § 2255 motion already has an associated
25 civil case that was opened for administrative purposes: Case No. 4:17-CV-
26 05092-EFS.